

**BILL ANALYSIS**

C.S.H.B. 1428  
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Elections  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Interested parties are concerned that there may be instances in which early voting ballot boards in some counties accept or reject ballots for inappropriate reasons. C.S.H.B. 1428 seeks to address such concerns by creating an offense and imposing a penalty for certain inappropriate actions by an early voting ballot board.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 1428 amends the Election Code to make it a Class A misdemeanor offense for the presiding judge of an early voting ballot board to knowingly accept the ballot of an ineligible voter or knowingly refuse to accept the ballot of a person whose acceptance for voting is required under Election Code provisions. The bill requires the early voting clerk to report the commission of such an offense to the county or district attorney having jurisdiction and to the secretary of state.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1428 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 87, Election Code, is amended by adding Section 87.006 to read as follows:

Sec. 87.006. INAPPROPRIATE ACTION BY BOARD. On written application by the presiding officer of the local canvassing authority indicating that the early voting ballot board has inappropriately accepted or rejected a ballot or otherwise violated a provision of this code, the secretary of state shall review the act in question and

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 87, Election Code, is amended by adding Section 87.006 to read as follows:

Sec. 87.006. INAPPROPRIATE ACTION BY BOARD. (a) The presiding judge of the early voting ballot board commits an offense if the presiding judge knowingly:  
(1) accepts the ballot of an ineligible voter;  
or  
(2) refuses to accept the ballot of a person whose acceptance for voting is required by

determine the appropriate remedy, including making a determination that may lead to a recount under Chapter 212.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

this code.

(b) The early voting clerk shall report the commission of an offense under this section to the county or district attorney having jurisdiction and the secretary of state.

(c) An offense under this section is a Class A misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.